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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/510,375	02/22/2000	Brett L. Williams	303.164US3	3060

21186 7590 04/25/2002

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EXAMINER

KIM, HONG CHONG

ART UNIT	PAPER NUMBER
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2187

DATE MAILED: 04/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/510,375

Applicant(s)

WILLIAMS, BRETT L.

Examiner

Hong C Kim

Art Unit

2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13. 6) ☐ Other: _____

Detailed Action

1. Claims 26-49 are presented for examination. This office action is in response to the amendment filed on 1/24/02.
2. Receipt is acknowledged of information disclosure statement filed on 9/24/01, which the statement has been placed of record in the file. Information disclosed and listed on PTO 1449 was considered.

Claim Objections

3. Claims 40-49 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. It appears that added claims 40-49 are same scope as claims 26-39.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 26, 29, 32, 35-39, and 40 are rejected under 35 U.S.C. 102(a) as being anticipated

by "Intel" Electronic News, (EN) December 5, 1994 in view of 82430FX PCIset DATASHEET 82437FX System CONTROLLER (TSC) AND 82438FX DATA PATH UNIT (TDP), Intel Corp., pp 1-67, 11/96 (INTEL).

As to claims 26, 29, 32 and, 35-39, EN discloses the invention as claimed. EN discloses Triton PCI Chip set. It is inherent that a computer system comprising a processor, a bus, a memory system, a memory controller including the first and second memory devices are page mode memory and the Burst EDO memory respectively. These inherent features are disclosed by Intel (Fig. 1 and pp 1, 24, 31, and 41-45).

See MPEP 2124 and 2131.01 for multiple reference 35 U.S.C. 102 rejections.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 27-28, 30-31, 33, 34, and 41-49 are rejected under 35 U.S.C. 103(a) as being anticipated by "Intel" Electronic News, (EN) December 5, 1994 in view of 82430FX PCIset DATASHEET 82437FX System CONTROLLER (TSC) AND 82438FX DATA PATH UNIT (TDP), Intel Corp., pp 1-67, 11/96 (INTEL) and further in view of Fung et al. (Fung) US Patent

No. 5,630,163.

As to claims 27-28, 30-31, 33, 34, and 41-49, *EN and Intel* disclose the invention substantially as claimed in the above claim. Although Intel discloses that DRAM types are determined by BIOS (which implies that DRAM types are determined during a power up sequence and system includes a power up detection circuit to start a BIOS sequence), however, neither En nor Intel specifically discloses a power supply; and a power up detection circuit coupled to the processor and to the power supply, the power up detection circuit responsive to a signal from the power supply to cause the processor to detect the memory device mode and to program the memory controller; wherein the processor is responsive to at least information from the memory to program the memory controller to provide the first set of access control signals to the memory at a first time and the second set of access control signals to the memory at a second time.

Fung disclose a power up detection circuit coupled to the processor and to the power supply, the power up detection circuit responsive to a signal from the power supply to cause the processor to detect the memory device mode and to program the memory controller (col. 1 lines 25-32, BIOS read on this limitation since the BIOS operates during a power up routine) for the purpose of determining a computer configuration thereby guaranteeing reliable operation of the system. Also it would have been readily appreciated by one of ordinary skill in the art that a system includes a power supply to provide a power to the system.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the

invention was made to include the power supply and a power up detection circuit coupled to the processor and to the power supply, the power up detection circuit responsive to a signal from the power supply to cause the processor to detect the memory device mode and to program the memory controller of Fung into the combined invention of EN and Intel for the advantages stated above.

8. Claims 26, 29, 32, and 35-39 are rejected under 35 U.S.C. 103(a) as being anticipated by Farrer et al. (Farrer) US Patent No. 5,307,320 in view of Micron, "Reduce DRAM cycle times with extended data-out", Micron technical Note pp 5-33 thru 5-40, 4/94 and further in view of Wyland US Patent No. 5,261,064.

As to claims 26, 29, 32, and 35-39, Farrer discloses a system, comprising:

a bus (Fig. 1 Ref. 105) for transferring information;

a memory (Fig. 1 Ref. 103), coupled to the bus, comprised of a memory device which is interchangeably of a mode selected from the group consisting of a first mode (Fig. 3 Ref. 301) and a second mode (Fig. 3 Ref. 302), the memory having a first set of access control signal timing requirements for the first mode and a second set of access control signal timing requirements for the second mode;

a programmable memory controller (col. 5 lines 16 and 54-66), coupled to the bus and to the memory, capable of providing the first set of access control signal timing requirements and the second set of access control signal timing requirements to the memory; and

a processor (Fig. 1 Ref. 101), coupled to the bus and the memory controller, responsive to at least information from the memory to program the memory controller to provide a set of access control signals to the memory in accordance with the memory device mode, wherein the information from the memory includes data read from the memory device.

However Farrer does not specifically disclose a memory, coupled to the bus, comprised of a memory device which is interchangeably of a mode selected from the group consisting of extended data out mode and fast page mode, the memory having a first set of access control signal timing requirements for the extended data out mode and a second set of access control signal timing requirements for the fast page mode.

Micron discloses a memory, coupled to the bus, comprised of a memory device which is interchangeably of a mode selected from the group consisting of extended data out mode and fast page mode, the memory having a first set of access control signal timing requirements for the extended data out mode and a second set of access control signal timing requirements for the fast page mode (page 5-33 bottom of right column and page 5-39 bottom of right column) thereby the user may base the design of the computer system on the type of memory that offers the target price/performance ration of the system. Micron further discloses that the memory device is interchangeable (page 5-33 bottom of right column and page 5-39 bottom of right column). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the memory, coupled to the bus, comprised of a memory device which is interchangeably of a mode selected from the group consisting of extended data out

mode and fast page mode, the memory having a first set of access control signal timing requirements for the extended data out mode and a second set of access control signal timing requirements for the fast page mode of Micron in the invention of Farrer for the advantages stated above.

Furthermore neither Farrer nor Micron discloses a burst mode.

However it is well known in the memory art a memory can be operate in a burst mode. For example Wyland discloses burst mode of operation (abstract lines 2-3) in order to increase access time (col. 1 lines 15-16).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use burst access memory of Wyland in the combined invention of Farrer and Wyland for the purpose of increasing access time thereby increasing overall system performance.

9. Claims 27-28, 30-31, 33, 34 and 41-49 are rejected under 35 U.S.C. 103(a) as being anticipated by Farrer et al. (Farrer) US Patent No. 5,307,320 Micron Reduce DRAM cycle times with extended data-out, Micron technical Note pp 5-33 thru 5-40, 4/94 and Wyland US Patent No. 5,261,064 and further in view of Fung et al. (Fung) US Patent No. 5,630,163.

As to claims 27-28, 30-31, 33, 34, and 41-49, *Farrer, Micron, and Wyland* disclose the invention substantially as claimed in the above claim. However, neither Farrer, Micron, nor Wyland specifically discloses a power supply; and a power up detection circuit coupled to the

processor and to the power supply, the power up detection circuit responsive to a signal from the power supply to cause the processor to detect the memory device mode and to program the memory controller; wherein the processor is responsive to at least information from the memory to program the memory controller to provide the first set of access control signals to the memory at a first time and the second set of access control signals to the memory at a second time.

Fung disclose a power up detection circuit coupled to the processor and to the power supply, the power up detection circuit responsive to a signal from the power supply to cause the processor to detect the memory device mode and to program the memory controller (col. 1 lines 25-32, BIOS read on this limitation since the BIOS operates during a power up routine) for the purpose of determining a computer configuration thereby guaranteeing reliable operation of the system. Also it would have been readily appreciated by one of ordinary skill in the art that a system includes a power supply to provide a power to the system.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the power supply and a power up detection circuit coupled to the processor and to the power supply, the power up detection circuit responsive to a signal from the power supply to cause the processor to detect the memory device mode and to program the memory controller of Fung into the combined invention of Farrer, Micron, and Wyland for the advantages stated above.

Response to Amendment

10. Applicant's arguments filed on 1/24/02 have been fully considered but they are not persuasive.

Applicant's remarks on page 2, that "no claims are amended -- claims 26-39 are now pending" is confusing, because the applicant added claims 40-49 in the amendment filed on 9/24/01. Also applicant is requested to provide Exhibit A mentioned on page 2 because the Examiner could not find the Exhibit A. Clarification is requested

Applicant's remarks on pages 2-4, the Examiner require to provide rational or evidence tending to show such inherency is not considered persuasive.

These inherent features are disclosed by Intel publication (11/96 (INTEL)). See MPEP 2124 for later publication showing factual evidence and 2131.01 for multiple reference 35 U.S.C. 102 rejections. Also Ewald.Jenisch@univie.ac.at, "P55TP4 (Triton-based)- SYNC/BURST SRAMS?", 1995-03-22, pp1-2, www.google.com discloses that Triton chipset board can mix and max with normal fast page mode and EDO memory.

Applicant's remarks on page 4, the references not showing a burst mode is not considered persuasive. Intel discloses a burst mode (page 1).

Also in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, even though applicant's modification results in great improvement and utility over the prior art, it may still not be patentable if the modification was within the capabilities of one skilled in the art. *In re Sola*, 22 C.C.P.A. (Patents) 1313, 77 F.2d 627, 25 USPQ 433 ; *In re Normann et al.*, 32 C.C.P.A. (Patents) 1248, 150 F.2d 708, 66 USPQ 308 ; *In re Irmischer*, 32 C.C.P.A. (Patents) 1259, 150 F.2d 705, 66 USPQ 314.

Those skilled in memory art must be presumed to know something about memory mode apart from what references disclose; it is immaterial that reference does not disclose specific function set forth in applicant's specification, since this is merely a different variation which would be obvious to one skilled in the art in a use which one skilled in the art, following teachings of prior art, might make of it. *In re JACOBY*, 135 USPQ 317 (CCPA 1962).

Therefore, the rejections are proper.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892.

12. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. When responding to the office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections. See 37 C.F.R. § 1.111(c).

14. When responding to the office action, Applicants are advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist examiner to locate the appropriate paragraphs.

15. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hong Kim whose telephone number is (703) 305-3835. The Examiner can normally be reached on the weekdays from 8:30 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Do Yoo, can be reached on (703) 308-4908.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.

16. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to TC-2100:

After-final (703) 746-7238

Official (703) 746-7239 (for formal communications intended for

entry)

Non-Official/Draft (703) 746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).



HK
Primary Patent Examiner
April 21, 2002